

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)	
)	
Federal-State Joint Board on Universal Service)	CC Docket No. 96-45
)	
Southern Communications Services, Inc.)	
d/b/a Southern LINC)	

**COMMENTS OF THE
CTIA – THE WIRELESS ASSOCIATION™**

CTIA – The Wireless Association™ ("CTIA")¹ hereby submits its comments in the above captioned proceeding in support of the Petition for Eligible Telecommunications Carrier ("ETC") designation filed by Southern Communications Services, Inc., d/b/a Southern LINC ("Southern LINC") throughout the non-rural areas of its licensed service territory in the State of Georgia.²

INTRODUCTION

On September 14, 2004, Southern LINC filed an application ("Southern LINC Petition") seeking ETC designation for areas within its licensed service area. CTIA supports Southern

¹ CTIA – The Wireless Association™ (formally known as the Cellular Telecommunications & Internet Association) is the international organization of the wireless communications industry for both wireless carriers and manufacturers. Membership in the association covers Commercial Mobile Radio Service ("CMRS") providers and manufacturers, including cellular, broadband PCS, ESMR, as well as providers and manufacturers of wireless data services and products.

² See Parties Are Invited to Comment on Southern LINC Petitions for Designation as an Eligible Telecommunications Carrier in the States of Alabama, Florida and Georgia, Public Notice, CC Docket No. 96-45, DA 05-143 (released January 21, 2005).

LINC's Petition, which demonstrates that Southern LINC meets the requirements for designation as an ETC. Section 214(e)(6) provides for ETC designation of carriers not subject to state commission jurisdiction. Specifically, Section 214(e)(6) states, in relevant part:

In the case of a common carrier providing telephone exchange service and exchange access that is not subject to the jurisdiction of a State commission, the Commission shall upon request designate such a common carrier that meets the two requirements of paragraph (1) as an eligible telecommunications carrier for a service area designated by the Commission consistent with applicable federal and State law.³

Since Southern LINC is a commercial mobile radio service ("CMRS") provider not subject to the authority of the Georgia Public Service Commission ("Georgia PSC"), the FCC has the authority to grant ETC status to Southern LINC pursuant to 47 U.S.C. § 214(e)(6).

DISCUSSION

A. Southern LINC Is Not Subject To the Jurisdiction of the Georgia Public Service Commission

Pursuant to Section 214(e)(6), the Commission shall designate as an ETC a common carrier providing telephone exchange service and exchange access service that is not subject to the jurisdiction of a State Commission, so long as the carrier otherwise meets the Act's requirements. The Commission has held that, for this purpose: "[M]any CMRS providers (specifically cellular, broadband PCS and covered SMR) also provide telephone exchange service and exchange access as defined by the 1996 Act."⁴ The Commission has also stated that a carrier may demonstrate that it "is not subject to the jurisdiction of a state commission" by

³ 47 U.S.C. §214(e)(6). *See also Procedures for FCC Designation of Eligible Telecommunications Carriers Pursuant to Section 214(e)(6) of the Communications Act, Public Notice*, 12 FCC Rcd 22947 (1997).

⁴ *Implementation of the Local Competition Provisions in the Telecommunications Act of 1996*, CC Docket 96-98, First Report and Order, 11 FCC Rcd 15,499, 15-998-99, at ¶1012(1996). *See also id.* at ¶1004 ("Congress recognized that some CMRS providers offer telephone exchange and exchange access services").

providing an “affirmative statement” from the state commission or a court of competent jurisdiction that the state lacks jurisdiction to perform the designation.⁵ In this case, the Georgia PSC states that “the State of Georgia does not exercise jurisdiction over Commercial Mobile Radio Service providers for purposes of making determinations concerning eligibility for Eligible Telecommunications Carriers designation.”⁶

B. Southern LINC Offers All Of the Services Supported by Universal Service Support Mechanisms

Southern LINC addressed the nine services and functionalities identified in the Commission’s rules, 47 C.F.R. §54.101(a), that are the core services to be offered by an ETC and supported by federal universal service support mechanisms.⁷ Southern LINC’s universal service offering will be provided in its requested service area in Georgia primarily over

⁵ See *Federal-State Joint Board on Universal Service; Promoting Deployment and Subscribership in Unserved and Underserved Areas, Including Tribal and Insular Areas*, CC Docket 96-98, Twelfth Report and Order, and Further Notice of Proposed Rulemaking, 15 FCC Rcd 12208, 12264 (2000).

⁶ See Southern LINC Petition, Exhibit 2, Georgia Public Service Commission Letter to Public Service Cellular, Inc., (August 6, 2003).

⁷ See Southern LINC Petition 5-10.

its existing cellular network infrastructure and spectrum, including the same antenna, cell-site, tower, trunking, mobile switching, and interconnection facilities used by the company to serve its existing conventional mobile cellular service customers.⁸ Southern LINC further states that it will advertise its new universal service offering to ensure that consumers within the designated service areas in Georgia are aware of the service.⁹ Accordingly, Southern LINC has satisfied the requirements of Sections 254 and 214(e)(1)(A) of the Communications Act of 1934 and Section 54.101(a) of the Commission’s rules regarding ETC eligibility.

C. Designating Southern LINC as an ETC Will Advance The Public Interest

CTIA agrees with Southern LINC that the grant of Southern LINC’s Petition will serve the public interest by bringing the benefits of competition to an underserved marketplace.¹⁰ In addition, designation of CMRS providers, such as Southern LINC, is consistent with the principal goals of the universal service program and provides unique benefits associated with wireless service, such as mobility, to consumers.

It is now well established that wireless carriers can bring significant benefits to the universal service program. One of the principal goals of the Telecommunications Act of 1996 was to “promote competition and reduce regulation in order to secure lower prices and higher quality services for American telecommunications consumers and encourage the rapid

⁸ *See id.* at 11.

⁹ *See id.* at 12-13.

¹⁰ *See id.* at 13-15.

deployment of new telecommunications technologies.”¹¹ In granting ETC status to CMRS carriers, the Commission has found that “[d]esignation of competitive ETCs promotes competition and benefits consumers in rural and high-cost areas by increasing customer choice, innovative services, and new technologies.”¹²

The Commission has also found that CMRS ETC designations provide substantial benefits to “consumers in cases where they do not have access to a wireline telephone.”¹³ In the *Virginia Cellular Order*, the Commission stated that “the mobility of telecommunications assists consumers in rural areas who often must drive significant distances to places of employment, stores, schools, and other critical community locations.”¹⁴ Furthermore, the Commission also recognized the critical public safety role that wireless services can play in rural and insular areas by noting that “the availability of a wireless universal service offering provides access to emergency services that can mitigate the unique risks of geographic isolation associated with living in rural communities.”¹⁵

In this case, Southern LINC has committed to use available federal high-cost support for its intended purposes – the construction, maintenance and upgrading of facilities serving the high-costs and rural areas for which support is intended. In addition, Southern LINC has also

¹¹ Telecommunications Act of 1996, Public Law No. 104-104, 100 Stat. 56 (1996).

¹² *Western Wireless Corporation, Petition for Designation as and Eligible Telecommunications Carrier in the State of Wyoming*, CC Docket No. 96-45, 16 FCC Rcd 48, 55 (2000) (hereinafter “*Wyoming Memorandum Opinion and Order*”), *aff’d*, 16 FCC Rcd 19144, 19151 (2001).

¹³ *Virginia Cellular, LLC Petition for Designation as an Eligible Telecommunications Carrier in the Commonwealth of Virginia*, CC Docket No. 96-45 Memorandum Opinion and Order, FCC 03-338, at ¶ 29 (2004) (hereinafter “*Virginia Cellular Order*”).

¹⁴ *Id.*

¹⁵ *Id.*

committed to comply with all provisions of CTIA's Consumer Code for Wireless Services, maintain essential telecommunications services in times of emergency, and provide service to all potential customers within its requested ETC service area upon reasonable request.¹⁶

Accordingly, designating Southern LINC as an ETC in covered areas in the State of Georgia would serve the public interest by increasing the availability of new, competitively priced services and technologies in Georgia communities.

¹⁶ See Southern LINC Petition at 13.

CONCLUSION

For the foregoing reasons, the Commission should exercise its authority to grant ETC status to Southern LINC for its requested service territories in the State of Georgia.

Respectfully submitted,

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